

REMARKS

The present amendment is submitted in response to the Office Action dated October 14, 2009, which set a three-month period for response. Filed herewith is a Request for a Two-month Extension of Time, making this amendment due by March 14, 2010, a Sunday, or by Monday, March 15, 2010.

Claims 1-4 and 7-8 are pending in this application.

In the Office Action, claims 1-4 and 7-8 were rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 7,243,532 to Tsujimura et al.

In the present amendment, claim 1 was amended to more clearly define the present invention over the Tsujimura reference by adding the step of *detecting different types of errors based on a number of cylinders in which a misfire has occurred*, as provided in the specification on page 5, lines 12-18.

Apparatus claim 7 was amended in a similar manner.

As noted previously, Tsujimura et al disclose a method for monitoring an injection device for an internal combustion engine in which a fuel injection quantity and a cylinder air fuel ratio are monitored to determine whether a normal combustion or misfiring occurs. If a misfiring is detected, it is determined whether a fuel system or an air system caused the misfire.

In contrast, as defined in claim 1, an injection device for an internal combustion engine is monitored, in which a misfire detection monitors a cylinder of the internal combustion engine for misfiring and signals of the misfire detection are used to detect either a mechanical malfunction or an electrical malfunction of the injection device. Tsujimura neither discloses nor suggests that signals of the

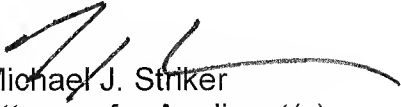
misfire detection can be used to distinguish between a mechanical malfunction and an electrical malfunction of the injection device itself.

Amended claims 1 and 7 further define an additional feature that is neither disclosed nor suggested by Tsujimura. In contrast to Tsujimura, the present invention relates to a method that monitors whether a misfire is present. If only one misfire occurs with a cylinder, a mechanical error of the corresponding injector is detected. If misfires occur with multiple cylinders, an electrical error is detected. This means that based on the number of cylinders in which a misfire has occurred, different errors are detected.

Therefore, claim 1 as amended is not rendered obvious by Tsujimura. It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. When establishing obviousness under Section 103, it is not pertinent whether the prior art device possess the functional characteristics of the claimed invention, if the reference does not describe or suggest its structure. *In re Mills*, 16 USPQ 2d 1430, 1432-33 (Fed. Cir. 1990).

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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